

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

STATE OF VERMONT,)
Plaintiff,)
v.)
DOCKET NO. 2:13-CV-00170
MPHJ TECHNOLOGY)
INVESTMENTS, LLC,)
NOTICE OF APPEAL
Defendant.)

Notice is given that MPHJ Technology Investments, LLC, Defendant in the above-captioned case, hereby appeals to the United States Court of Appeals for the Federal Circuit from the District Court's Order of April 15, 2014 (Dkt. 61). The issues to be raised by this Appeal are the following:

1) Whether the District Court abused its discretion under *Ruhrgas Ag v. Marathon Oil Co.*, 526 U.S. 574 (1999) when it refused to decide MPHJ's Motion to Dismiss for Lack of Personal Jurisdiction (Dkt. 16);

(2) Whether the District Court abused its discretion in effectively amending the Original Complaint and then declining to exercise jurisdiction over the complaint as amended, or in remanding the case back to state court in the circumstances presented without first deciding a controlling federal question of preemption under the First Amendment and federal patent law; and

(3) Whether the District Court abused its discretion in denying MPHJ's Motion for Sanctions Under Rule 11, 28 U.S.C. § 1927, And The Court's Inherent Authority (Dkt. 38) (this later point is also the subject of a Petition for Writ of Mandamus to be timely filed by MPHJ in order to preserve this point in the unique procedural posture presented).

Respectfully submitted,

Date: May 13, 2014

/s/ W. Bryan Farney

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service are being served May 13, 2014, with a copy of this document via the Court's CM/ECF system.

/s/ W. Bryan Farney
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